

# DECISION



25972  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-212384

DATE: August 12, 1983

MATTER OF: American Radhial Inc.

## DIGEST:

1. When procuring agency has not intentionally precluded a protester from competing, and there is adequate competition among offerors, GAO will not disturb an otherwise valid procurement even though the protester did not receive a copy of the solicitation.
2. Publication of a synopsis in the Commerce Business Daily constitutes constructive notice to prospective offerors of a solicitation and its contents.

American Radhial Inc. protests its failure to receive General Services Administration (GSA) solicitation No. 10PN-NCS-0203 for a multiple award Federal Supply Schedule procurement (Small Craft, Marine Equipment and Floating Marine Barriers).

We summarily deny the protest.

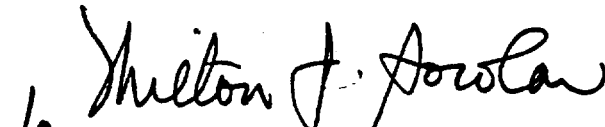
On two occasions in early 1983, American states, it called GSA for information about the solicitation. GSA assured American that it would be included in the mailing; however, American never received the solicitation and was informed by GSA on July 5 that it had missed the July 1 closing date for receipt of proposals.

The solicitation, issued June 1, 1983, was synopsized in the June 13 Commerce Business Daily (CBD) on page 15; this notice included the closing date of July 1. GSA informally advises us that it mailed solicitations to approximately 350 firms, including American, and that more than 40 proposals were received by the closing date.

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Where adequate competition results in reasonable prices, and where there is no intent on the part of the procuring agency to preclude a firm from competing, an otherwise valid acquisition will not be disturbed solely because a firm did not receive a copy of the solicitation. Security Assistance Forces & Equipment OHG, B-210839, December 31, 1981, 81-2 CPD 516. Here, there appears to have been adequate competition, since some 40 concerns have submitted proposals to GSA, and American does not suggest that it was intentionally excluded from competing. Furthermore, we have held that publication of a synopsis in the CBD constitutes constructive notice of a solicitation and its contents. See ERA Helicopters, Inc., B-210966, July 12, 1983, 83-1 CPD \_\_\_\_. Therefore, even though American did not receive the solicitation, it did have constructive notice of the solicitation and the closing date. Accordingly, we find no basis to disturb the procurement.

The protest is summarily denied.

*for*   
Comptroller General  
of the United States